



U.S. Department of Justice
Civil Division, Federal Programs Branch
20 Massachusetts Avenue NW
Washington, DC 20530

May 24, 2018

By ECF

The Honorable Jesse M. Furman
United States District Judge
Southern District of New York
Thurgood Marshall Courthouse
40 Centre Street
New York, New York 10007

Re: *State of New York, et al., v. U.S. Department of Commerce, et al.*, 18-cv-2921 (JMF)

Dear Judge Furman:

This office represents the government in the above-referenced action challenging the Secretary of Commerce's decision to reinstate on the 2020 decennial census a question regarding citizenship. The government's motion to dismiss is due tomorrow, May 25, 2018. We write respectfully to request permission to file an oversized brief of up to 35 pages, for the reasons explained below.

This case presents novel and complex issues of constitutional and statutory interpretation. As discussed at the recent case-management conference on May 9, 2018, the government will present in its motion several substantial arguments that this case should be dismissed on threshold justiciability grounds. A modest page extension will permit the government to fully explain the pertinent historical background and legal issues presented in this matter. Plaintiffs' counsel does not object to this request. Should Plaintiffs' counsel request a similar extension for their upcoming opposition, the government will consent to that request but asks that its reply brief correspondingly be expanded by 5 additional pages.

Defendants thank the Court for consideration of the issues raised in this letter.

Respectfully submitted,

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